

WAYNE COUNTY ETHICS BOARD

November 17, 2014

B. Minutes from the October 20, 2014 meeting

MINUTES

WAYNE COUNTY ETHICS BOARD

Monday, October 20, 2014 – 3:00 p.m.

Commission Hearing Room 704, 500 Griswold, Detroit, MI 48226

A. Roll Call: 3:10 p.m.

The roll of the Committee was called by the Clerk of the Board, Darcel Brown:

William J. Giovan (C)	- Present
William O'Neil (VC)	- Excused
Sidney Bogan	- Present
Anthony S. Guerriero	- Present
Daniel Martin	- Excused
William C. Schaefer	- Present
Stella Szczesny	- Excused

4 present, a quorum

B. Approval of the minutes from the August 4, 2014 meeting.

Board Member Bogan, supported by Board Member Guerriero, moved to approve the minutes.

The Board Members voted as follows:

Yea --	Giovan, Bogan, Guerriero, Schaefer--	4
Nay --	None	
Abstain --	None	
Not Voting --	None	
Excused --	O'Neil, Martin, Szczesny --	3

Motion Carried.

C. New Business

1. Complaint against Treasurer Wojtowicz for failure to file the personal disclosure form.

Chairman William Giovan informed the Board that there was a data entry error in the Personal Disclosure Form filed by Treasurer Wojtowicz and Treasurer Wojtowicz did file the 2013-2014 Personnel Disclosure Form.

Chairman Giovan also stated that Treasurer Wojtowicz would have attended the meeting to appear before the Board, but the Chairman notified him that there was no reason to attend the meeting.

Board Member Guerriero, supported by Board Member Schaefer, moved to dismiss item C.1.

The Board Members voted as follows:

Yea -- Giovan, Bogan, Guerriero, Schaefer -- 4
Nay -- None
Abstain -- None
Not Voting -- None
Excused -- O'Neil, Martin, Szczesny -- 3

Motion Carried.

2. Complaint against Register of Deeds Youngblood for failure to file the personal disclosure form.

Chairman Giovan stated that Bernard Youngblood, Register of Deeds had not filed the Personal Disclosure Form, but upon receiving notice of the complaint, he did so.

Chairman Giovan also stated that failure to file the Personal Disclosure Form is not listed as one of the items of conduct listed in Section 4 in which the Board is authorized to issue a sanction against public officials. The requirement to submit the Personal Disclosure Form is listed in Section 5, but not as one of the standards of conduct in Section 4, the violation of which the Board is empowered to issue a sanction.

There are proposed amendments to the Ethics Ordinance which include making failure to file a Personal Disclosure Form a violation of the ordinance. Chairman Giovan invited Felicia Johnson from Commission Counsel to provide an update on the amendments.

Ms. Johnson advised the Board that the amendments have been submitted to the Commission Chair and should be processed and approved by the end of the year.

Board Member Schaefer, supported by Board Member Bogan, moved to dismiss item C.2.

The Board Members voted as follows:

Yea -- Giovan, Bogan, Guerriero, Schaefer -- 4
Nay -- None
Abstain -- None
Not Voting -- None
Excused -- O'Neil, Martin, Szczesny -- 3

Motion Carried.

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3. Continued hearing for request of an advisory opinion on the matter raised by Sheriff Napoleon.

Before discussing the memorandum prepared by John P. Jacobs, Special Counsel for the Ethics Board, Chairman Giovan invited Attorney Mark Brewer, representation for Sheriff Napoleon and Willie Mayo, Wayne County Legislative Auditor General to provide comments. Mr. Brewer stated he is still in disagreement with the view that Sheriff Napoleon's action were in violation of the Ethics Ordinance. Mr. Mayo indicated he supports the opinion presented by Mr. Jacobs and felt that had the circumstances been different and Sheriff Napoleon was campaigning for re-election in Wayne County, it would have provided him more latitude and flexibility for use of the county vehicle.

Mr. Sidney Bogan believes that the Wayne County Sheriff's vehicle and accessories should not be viewed as a gift or income, but as an extension of the Sheriff and cannot be set aside without adversely impacting, changing or destroying the office. Mr. Bogan also stated that the Wayne County Sheriff should not be compared to any other elected official due to his position and job duties.

Mr. William C. Schaefer stated that he agrees with what the law states and that it is outlined in the opinion that was submitted to Board. An exception could be carved out in the law, but until that happens, the law does not allow for this type of activity.

Mr. Anthony S. Guerriero stated that that, because there is no carve-out in the law, he believes the Board would be remiss in their duties to ignore two ordinances and a state law that are directly applicable.

Chairman Giovan stated the laws are very clear and make no exceptions for a Sheriff. In addition, Chairman Giovan noted that the Board had never been told of one incident when a Sheriff had to respond to an emergency while attending a political event.

Mr. Guerriero presented a resolution to the Board, which reads as follows:

Be it resolved, that, in the opinion of the Wayne County Ethics Board, the Sheriff of Wayne County is forbidden by law and ordinance from using his county-supplied vehicle and/or a county-paid employee to attend political campaign events, whether his own or those of any other candidate for office.

The Ethics Board is also of the opinion that the Sheriff is obliged to reimburse Wayne County for the value of his use of those resources during his past campaign for the office of the Mayor of the City of Detroit.

Board Member Guerriero, supported by Board Member Schaefer, moved to approve the resolution for foregoing item C.3.

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Mr. Brewer requested to make comments before the Board voted. Mr. Brewer stated that this will have a state-wide impact and is seeking an opinion from the Michigan State Attorney General and Sheriff Napoleon will abide by the Attorney General's ruling. At this time, Mr. Brewer requested the Board to table the item until an opinion from the Attorney General is received.

After discussion by Members with Mr. Brewer, Board Member Bogan, supported by Board Member Schaefer, moved to table foregoing item C.3.

The Board Members voted as follows:

Yea -- Bogan and Schaefer -- 2
Nay -- Giovan and Guerriero -- 2
Abstain -- None
Not Voting -- None
Excused -- O'Neil, Martin, Szczesny -- 3

Motion Failed.

At this time, the Board returned to the motion to approve item C. 3.

The Board Members voted as follows:

Yea -- Giovan, Guerriero, Schaefer -- 3
Nay -- Bogan -- 1
Abstain -- None
Not Voting -- None
Excused -- O'Neil, Martin, Szczesny -- 3

Motion Carried.

- D. Such other matters as may properly be submitted before the Committee.
- E. Public Comments

Paula Bridges, Public Information Director and Sue Hall, Chief of Staff of the Wayne County Sheriff's Department provided comments.

- F. Adjournment

As no other business was presented, Board Member Schaefer, supported by Board Member Guerriero moved to adjourn, the time being 4:00 p.m.

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Respectfully submitted,

Darcel Brown
Legislative Research Assistant

Attachments: Notice

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Wayne County Ethics Board

William J. Giovan, Chair
William O'Neil, Vice-Chair
Sidney Bogan
Anthony S. Guerriero
Daniel Martin
William C. Schaefer
Stella Szczesny



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October 9, 2014

NOTICE OF MEETING OF THE WAYNE COUNTY ETHICS BOARD

Monday, October 20, 2014 – 3:00 p.m.
Hearing Room 704, Guardian Building, 500 Griswold, Detroit, MI 48226

The Wayne County Ethics Board has scheduled the meeting of the Board on **Monday, October 20, 2014 at 3:00 p.m.** in Hearing Room 704, Guardian Building, 500 Griswold, Detroit, MI 48226 to consider the following:

- A. Roll Call.
- B. Approval of the minutes of the August 4, 2014 meeting.
- C. New Business
 - 1. Complaint against Treasurer Wojtowicz for failure to file the personal disclosure form.
 - 2. Complaint against Register of Deeds Youngblood for failure to file the personal disclosure form.
 - 3. Continued hearing for request of an advisory opinion on the matter raised by Sheriff Napoleon.
- D. Such other matters as may be properly submitted before the Board.
- E. Public Comments.
- F. Adjournment.

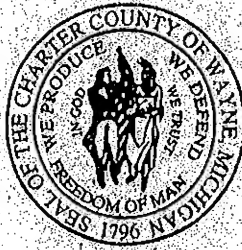
Note 1: This meeting is called in accordance with provisions of the "Open Meetings Act", Act No. 267, Public Acts of 1976.

Note 2: In accordance with the provisions of Rule 3, "The Chairperson of a Committee, when requested in advance of any given meeting, may permit a person making such request to address the Committee on any matter on the Agenda. Such address shall not be longer than the time allotted by the Chairperson, subject to the approval of the Committee."

Note 3: In accordance with the provisions of Rule 3, "The Chairperson of a Committee, when requested in advance of any given meeting, may permit a person making such request to address the Committee on any matter on the Agenda. Such address shall not be longer than the time allotted by the Chairperson, subject to the approval of the Committee."

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